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UNITED STATES PATENT AND TRADEMARK OFFICE

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*In re* REICH et al.

Appl No.: 10/700,588

Filed: November 5, 2003

For: **Method and Device for Monitoring and Controlling  
Fluid Locomotion**

**DECISION ON PETITION**

*37 CFR 1.84*

The following is a decision on the November 10, 2008 petition entitled "PETITION TO ACCEPT COLOR DRAWINGS/PHOTOGRAPHS.

The petition is GRANTED.

Petitioner's submission of color drawings have been retained in an artifact folder and upon review of these figures the following comment is made.

The text of the pertinent section of 37 CFR 1.84 is here reproduced:

37 CFR 1.84. (a) (2) Color. On rare occasions, color drawings may be necessary as the only practical medium by which to disclose the subject matter sought to be patented in a utility or design patent application or the subject matter of a statutory invention registration. The color drawings must be of sufficient quality such that all details in the drawings are reproducible in black and white in the printed patent. Color drawings are not permitted in international applications (see PCT Rule 11.13), or in an application, or copy thereof, submitted under the Office electronic filing system. The Office will accept color drawings in utility or design patent applications and statutory invention registrations only after granting a petition filed under this paragraph explaining why the color drawings are necessary.

Any such petition must include the following:

- (i) The fee set forth in § 1.17(h);
- (ii) Three (3) sets of color drawings;
- (iii) An amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings:

The patent or application file contains at least one drawing executed in color.

Copies of this patent or patent application publication with color drawing(s) will be provided by the

Office upon request and payment of the necessary fee.

As petitioner's submission met all the requirements of § 1.84(a)(2), the drawings are accepted into the record.

Art Unit: 2831

The amendment to the tenth page of the specification shall be entered. The application is forwarded to the examiner in charge thereof for further action.

/Diego Gutierrez/

Supervisory Patent Examiner, Art Unit 2831

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